

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2009

State: Montana

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10-31-2010.

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2008 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2009 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2009 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2008. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the report using the online Web BGAS (Block Grant Application System). States that use the Synar Survey Estimation System (SSES) must also upload one copy of SSES Tables 1-5 (in Excel) to Web BGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4 and 5, and Forms 2 and 3, if applicable, (in Excel format) to Web BGAS. Instructions on how to access the Web BGAS system are included in the attached cover letter.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20850

FFY 2009: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: Montana

Name of Chief Executive Officer or Designee: Joan Cassidy

Signature of CEO or Designee:

Title: Chemical Dependency Bureau Chief

Date Signed:

If signed by a designee, a copy of the designation must be attached.

SECTION I: FFY 2008 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year (see 42 U.S.C. 300x-26).**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change. (Check all that apply.)

- ☐ Changed to require that law enforcement conduct inspections of tobacco outlets
☐ Changed to make it illegal for youth to possess, purchase or receive tobacco
☐ Changed to require ID to purchase tobacco
☐ Other change(s) (Please describe.) _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change. (Check all that apply.)

- ☐ Total ban enacted
☐ Banned from location(s) accessible to youth
☐ Locking device or supervision required
☐ Other change(s) (Please describe.) _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State prior to submission of the ASR. (Check all that apply.)**

☒ Placed on file for public review

☒ Posted on a State agency Web site (Please provide exact Web address.)

<http://www.dphhs.mt.gov/amdd/chemicaldependencieservices/>

- ☒ Notice published in a newspaper or newsletter
- ☐ Public hearing
- ☒ Announced in a news release, a press conference, or discussed in a media interview
- ☐ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) *(Please describe.)* _____

3. Identify the following agency or agencies *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).*

a. The State agency(ies) designated by the Governor for oversight of the Synar requirements:

Department of Public Health and Human Services chemical Dependency Bureau

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(ies) responsible for conducting random, unannounced Synar inspections:

DPHHS Chemical Dependency Bureau and Montana Department of Revenue

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(ies) responsible for enforcing youth tobacco access law(s):

DPHHS Chemical Dependency Bureau and Montana Department of Revenue

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(ies) responsible for tobacco prevention activities.

DPHHS Montana Tobacco Use Prevention Section

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☒ Have an informal partnership
- ☒ Conduct joint planning activities
- ☒ Combine resources
- ☐ Have other collaborative arrangement(s) *(Please describe.)* _____

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only.)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
☒ Enforcement is conducted exclusively by State agency(ies).
☐ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark "NA."

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	4	51	55
Number of <u>fin es assessed</u>	0	51	51
Number of <u>permits/licenses suspended</u>	0		0
Number of <u>permits/licenses revoked</u>	0		0
Other (Please describe.)	0	0	0

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply.)

- ☒ Merchant education and/or training
☒ Incentives for merchants who are in compliance (e.g., reward and reminder)
☒ Community education regarding youth access laws
☒ Media use to publicize compliance inspection results
☐ Community mobilization to increase support for retailer compliance with youth access laws
☐ Other activities (Please list.) _____

Briefly describe all checked activities:

Montana conducts several activities designed to support its enforcement and compliance of the Youth access law, including conducting 4,050 Reward and Reminder surveys and an additional 500 state inspections. We distribute an annual merchant education guide and a newsletter. Quarterly inspection results are distributed to the state approved prevention specialists, the state funded tobacco use prevention coalitions, and the merchant associations. Beginning this reporting period, results are also published on the AMDD website. Communities are encouraged to work with their media to publicize any changes in compliance and our contractor provides assistance in developing press releases and working with the media outlets.

- d. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey? ☒ Yes ☐ No

If "Yes" to 5d, please describe the State's procedure for minimizing risk of bias to the survey results:

Citations are issued after the completion of all inspections on a specific day to insure that retailers do not start a "phone tree" in which they call the neighboring retailers to let them know that the inspection teams are out.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year? ☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets (*see 45 C.F.R. 96.130(d)(2)*).

- a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data? ☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3, 4 and 5 along with the ASR submission and go to Question 8. If No, continue to Question 7b.

- b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____	+	(1.645	×	_____)	=	_____
RVR Estimate	plus	(1.645	times	Standard Error)	equals	Right Limit

- c. Fill out Form 1 in Appendix A (Forms). (*Required regardless of the sample design.*)

- d. How were the (weighted) RVR estimate and its standard error obtained? (*Check the one that applies.*)

☐ Form 2 (Optional) in Appendix A (Forms) (*Attach completed Form 2.*)

☐ Other (*Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.*)

- e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year? ☐ Yes ☐ No ☐ No stratification

If Yes, explain how this situation was dealt with in variance estimation.

- f. Was a cluster sample design used? ☐ Yes ☐ No

If Yes, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.

If No, go to Question 7g.

Were any certainty primary sampling units selected this year? ☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

- g. Report the following outlet sample sizes for the Synar survey.

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

- h. Fill out Form 4 in Appendix A (Forms 1–5).

8. Did the State’s Synar survey use a list frame? ☒ Yes ☐ No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest frame coverage study: 2007

b. Percent coverage from the latest frame coverage study: 95%

- c. Was a new study conducted in this reporting period? ☐ Yes ☒ No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d. The calendar year of the next coverage study planned: 2010

9. Has the Synar survey inspection protocol changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

a. Provide the inspection period: From 2/5/08 To 9/30/08
MM/DD/YY MM/DD/YY

b. Provide the number of youth inspectors used in the current inspection year:

19

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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c. Fill out and attach Form 5 in Appendix A (Forms 1–5). *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)*

SECTION II: FFY 2009 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2009. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

Montana's Youth Access to Tobacco activities are conducted under the auspices of the Department of Public Health and Human Services. A violation is a violation of the license to sell tobacco products. This means there is no criminal sanction. Inspections are conducted through a contract with a community-based organization. There were no changes to the youth access legislation or the merchant education process during the period covered by this application.

During the period covered by this application, we continued a set of initiatives to provide for merchant education and to mobilize local coalitions.

These include:

1) Inspections: An additional 500 state inspections will be conducted with at least 50% of those found in violation from the previous year being re-inspected. The remainder will largely target communities not selected in the Synar sample rather than target more retailers in communities selected to be part of the sample. We believe these additional merchant education activities will keep communities alert. Because of the nature of the sampling design, some communities may not be sampled for several years.

2) Distribute Merchant Education packets: A booklet on strategies merchants can use to increase compliance will be distributed to all licensed tobacco vendors. This 24-page handbook is merchant friendly.

3) Statewide Merchant Mailings of "Compliance Check News": A newsletter will be published and distributed.

4) Distribution of quarterly reports naming all of the retailers inspected and their results will be sent to the state approved program specialists, the state funded tobacco use prevention coalitions, and the merchant associations. Assistance in developing press releases and contacting media will be available to the recipients.

5) Community Surveys: Through a contract with a community based organization, Montana will continue a “Reward & Reminder” merchant education program. Initially, our efforts focused on the seven certainty strata communities and the additional seven counties that account for over 75% of the licenses in Montana. In 2005 we expanded the program to all but nine counties. 4,050 Reward and Reminder surveys are completed.

6) We have begun work with several state and community agencies to develop a statewide merchant education program supported by a server/retailer trainer guide and publications.

7) In addition, we have inserted language into our contracts with community providers receiving block grant funds requiring them to conduct additional merchant education activities designed to reduce youth access to tobacco.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☒ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☐ Difficulties recruiting youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☒ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other challenges (Please list.) _____

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge.

A. Limited Resources for Law Enforcement: In Montana the activities and resources for youth access to tobacco and other related tobacco issues are spread between two departments and two divisions.

Within the Department of Public Health and Human Services there are two divisions that are concerned with tobacco, the Addictive and Mental Disorders Division (AMDD), the SSA, and the Montana Tobacco Use Prevention Program (MTUPP) located in the Health Policy Division.

AMDD administers the sampling program through a contract with a community provider. There are also provisions for enforcement activities in this contract. AMDD is involved with merchant education activities directly and through contracts with programs that receive SAPT block grant dollars.

MTUPP is the CDC funded program. Their primary focus has been on environmental tobacco smoke.

The Department of Revenue maintains the list of licensed tobacco vendors. They also are responsible for the hearings after a sixth or seventh violation. The primary goal of the Department of Revenue is to collect the taxes on tobacco products. They are, however, responsible for enforcing the sanctions that occur on a sixth or subsequent violation. In addition, they have rule making authority for all the sections of the Montana Youth Access statute.

B. Limited Support: Montana restricts access to tobacco, gambling and alcohol by age. There is no state appropriation for enforcement of any of Montana's youth access legislation.

C. Limitations in the State Access Laws: Clerks are fined \$25.00 every time they make a sale. Merchants are not fined until there is a fifth violation in a three-year period.

D. Geographic Issues: Geographically, Montana is the fourth largest state of the 50 states, and the 44th in total population. Montana is one of a group of states that can still be considered frontier states because the population density is approximately 6 individuals per square mile. There are seven discrete population centers in Montana. This combination of conditions, a dispersed population and vast distances create a unique set of challenges when it comes to conducting merchant education and compliance inspections. Chief of these challenges is the logistical challenges faced in conducting inspections in the vast 2/3rds of the state where less than 25% of the population lives.

E. Issues Regarding Sources of Tobacco under Tribal Jurisdiction: Montana is home to seven reservations, each of which has sovereign status under Federal Treaty. At the beginning of the Synar process, Montana made the decision not to inspect tobacco licensees operating under tribal authority. Of Montana's seven reservations, there are only two that are located either on a major interstate highway or within geographic proximity of one of the major population centers. The other five reservations are isolated. The decision to not conduct inspections on reservations was made over a decade ago.

APPENDIX A: FORMS 1–5

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

1(b) Write in the name of each stratum. All strata in the State must be listed.

If no stratification was used:

1(a) Leave blank.

1(b) Write “State” in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: for columns 2-5, wherever the instruction refers to “each stratum,” report the specified information for the State as a whole.

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each sub-column (a-c) in Columns 2-5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

[illegible]

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

FORM 2 (Optional)**Appropriate for stratified simple or systematic random sampling designs.**

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and non-complete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, including substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the State will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2-6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7-11, it calculates the respective statistic for the State as a whole.

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2009
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
Total										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate ($p=x/n2$)
- N' - estimated number of eligible outlets in population ($N'=N*n1/n$)
- w - relative stratum weight ($w=N'/\text{Total Column 8}$)
- pw - stratum contribution to the weighted retailer violation rate
- s.e. - standard error of the stratum RVR

FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

If no stratification was used: Write “State” in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3-5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
				State: _____
				FFY: 2009
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

FORM 4 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked **“Total.”**

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked **“Total.”**

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State: _____	
		FFY: 2009	
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Run out of time	
Duplicate		Other noncompletion reason(s) (<i>Describe.</i>)	
Other ineligibility reason(s) (<i>Describe.</i>)			
Total		Total	

FORM 5 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "OTHER" row. Calculate subtotals for males and females in rows marked SUBTOTALS. Sum SUBTOTALS for male, female, and OTHER and record in the bottom row marked TOTAL. Verify that that the TOTAL of attempted buys and successful buys equal the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

Synar Survey Inspector Characteristics		
		State: _____
		FFY: 2009 _____
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
Female Subtotal		
Other		
Total		

APPENDICES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendices, therefore, should generally describe the design and protocol and are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance written approval. To facilitate the State's completion of this section, simply "cut and paste" the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: MT

FFY: 2009

1. What type of sampling frame is used?

- ☐ List frame (*Go to Question 2.*)
- ☐ Area frame (*Go to Question 3.*)
- ☒ List-assisted area frame (*Go to Question 2.*)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (*After completing this question, go to Question 4.*)

Use the corresponding number to indicate Type of Source in the table below.

- | | |
|---|--|
| 1 – Statewide commercial business list | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Department of Revenue list of licensed tobacco retailers	3	The list is based on the Montana Department of Revenue list of licensed tobacco retailers. The license to sell tobacco is for one year and renewed on its anniversary date.	Continual update throughout the year. List is first examined for duplicate outlets. Then online-telephone directory per county is reviewed for SIC categories typically selling tobacco and visually inspected before the random unannounced inspection for the county. The list inaccuracies discovered during the survey are carried forward to improve the quality of the frame for each new survey.

3. If an area frame is used, describe how area sampling units are defined and formed.

Counties and groups of proximate counties (some counties have too few outlets to be used as PSUs) form the primary sampling units (PSUs). Since the sample PSUs are selected with probability proportional to size, some of the larger ones would be selected with certainty. These are removed sequentially (largest first) from the PSU sampling and used as strata (called certainty strata). For the certainty strata, clusters of proximate outlets ($\cong 10$ outlets per cluster) are then constructed to become the PSUs; these are selected with equal probability. For the other (noncertainty) strata, all outlets in the selected smaller PSUs are

inspected or, for the larger selected PSUs in these strata, clusters of proximate outlets ($\cong 10$ outlets per cluster) are constructed and selected with equal probabilities.

- a. Is any area left out in the formation of the area frame? ☐ Yes ☒ No

If Yes, what percentage of the State's population is not covered by the area frame?
_____ %

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey? ☒ Yes ☐ No

If No, please indicate the reason they are not included in the Synar survey.

- ☐ State law bans vending machines
☐ State law bans vending machines from locations accessible to youth
☐ State has SAMHSA approval to exempt vending machines from the survey
☐ Other (Please describe.) _____

5. Which category below best describes the sample design? (Check only one.)

- ☐ Census (STOP HERE: Appendix B is complete.)

Unstratified State-wide sample:

- ☐ Simple random sample (Go to Question 9.)
☐ Systematic random sample (Go to Question 6.)
☐ Single-stage cluster sample (Go to Question 8.)
☐ Multi-stage cluster sample (Go to Question 8.)

Stratified sample:

- ☐ Simple random sample (Go to Question 7.)
☐ Systematic random sample (Go to Question 6.)
☐ Single-stage cluster sample (Go to Question 7.)
☒ Multi-stage cluster sample (Go to Question 7.)
☐ Other (Please describe and go to Question 9.) _____

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

Question 5 instructs to skip to Question 7

7. Provide the following information about stratification.

- a. Provide a full description of the strata that are created.

The certainty strata comprising larger PSUs are created as described in Item 3, above. The number of certainty strata for any given survey year depends on the population counts in the counties and the target sample sizes and, hence, vary from year to year to accommodate the dynamics of the target population and survey requirements. Approximately 8 of the strata in MT are certainty strata, designated by a two digit number ending in zero. The remaining strata contain the smaller counties, three primary strata based on size and, within each of those, two

secondary strata based on cost per inspection. These 6 strata (numbered 81, 82, 91, 92, and 101, 102) are relatively-rural uncertainty strata.

b. Is clustering used within the stratified sample?

☒ **Yes** (Go to Question 8.)

☐ **No** (Go to Question 9.)

8. Provide the following information about clustering.

a. Provide a full description of how clusters are formed. (If multi-stage clusters are used, give definitions of clusters at each stage.)

Clusters are formed as described in Item 3, above.

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

The primary units for noncertainty strata were counties/pair of counties; these are selected with probability proportional to size (PPS), where size is a function of both number of outlets and cost factors using Cochran's formula for stratified sampling (Cochran 1964, p. 97). Within the certainty strata and the selected noncertainty counties, groups or portions of zip areas are selected through random systematic sampling (with equal probability) of clusters. The outlets in the selected clusters were inspected.

Size measure based on equation:

$$S_{hi} = N_{hi} S_h / \sqrt{C_h}$$

where N_{hi} = number of outlets in PSU i

S_h = standard deviation of stratum h and

C_h = cost per inspection in stratum h

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

Effective Sample Size:

$$n_e = 1 / \left(\frac{0.0182^2}{P(1-P)} + 1/N \right)$$

where P equals violation rate and N equals number of outlets in population

Target Sample Size:

$$n_t = n_e * \text{deff}$$

where design effect is given as:

deff = variance of design/variance of SRS

$$\text{Variance of SRF} = pq/(n-1)$$

The target original sample size is then determined by:

$$n_o = n_t / (1 - r)$$

where r is the anticipated attrition rate.

Values of P , N , and $deff$ are estimates based on previous three year's experience (unless a change in design has occurred, in which case the $deff$ is modified accordingly – $deff$ increases with increases in unequal weighting and clustering. Then, the estimated original sample size is increased by approximately 15 percent to allow for attrition. Note that the sample sizes in Table 1 of the SSES output may not agree exactly with these calculations, which are targets only and are not necessarily accomplished in application.

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: MT

FFY: 2009

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

b. Youth inspectors to carry ID?

- | | |
|--|--|
| <input type="checkbox"/> Required | <input checked="" type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

c. Adult inspectors to enter the outlet?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

d. Youth inspectors to be compensated?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply.)

- ☐ Law enforcement agency(ies)
- ☐ State or local government agency(ies) other than law enforcement
- ☐ Private contractor(s)
- ☒ Other

List the agency name(s): HELP Committee by contract with DPHHS and pursuant to state law

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☒ Always ☐ Usually ☐ Sometimes ☐ Rarely ☐ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

Adult supervisors are off-duty or retired law enforcement officers. The adult supervisors recruit and train the minor inspectors. Of the seven current adult supervisors, six have been with us since Montana began inspecting. Despite their years of service, we still provide mandatory annual refresher training.

Each inspector is provided with a portable office that includes a "State Tobacco Inspection Manual". The manual includes inspection protocol and information on recruiting and training youth inspectors. They also receive and use CSAP's youth training video, "Teens Taking Action! – A guide to Conducting Tobacco Compliance Checks". A copy of the most recent manual is attached.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☒ **Yes** ☐ **No** (If Yes, please describe.)

Immunity is established by statute: MCA 15-11-310. Minors not liable for possession or attempt to purchase. An individual under 18 years of age assisting in the enforcement of this part is not liable under a civil or criminal law for the possession of or the attempt to purchase a tobacco product for the purpose of enforcing this part.

b. Procedural ☐ **Yes** ☒ **No** (If Yes, please describe.)

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ **Yes** ☒ **No** (If Yes, please describe.)

b. Procedural ☒ **Yes** ☐ **No** (If Yes, please describe.)

Youth inspectors are employees of the contractor and therefore are covered by Montana's Workman's Compensation Policy.

Before being employed, the minors' parent/guardian must complete a permission slip and medical release form for the adult inspector.

In the case of a minor inspector being the opposite gender of the Inspection Officer, funds are available to pay stipends for an adult of the same gender as the minor to ride along on the inspections. Parents/guardians are allowed to set the hours that a minor may participate and are allowed to set other conditions they feel are appropriate.

If either the minor or the adult witness feels uncomfortable they are instructed not to complete the inspection.

The adult witness is present in the establishment with the minor.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☐ Yes ☒ No *(If Yes, please describe.)*

b. Procedural ☒ Yes ☐ No *(If Yes, please describe.)*

The contractor must conduct an annual training session.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: MT
FFY: 2009

1. Calendar year of the coverage study: 2007

2. Percent coverage found: 95%

(Provide calculation of the percent coverage.)

see table below for calculations of the percent of coverage.
--

Exhibit 1. Coverage Study Results					
Canvassing Area	Stratum	Outlet Weights	Number of Outlets Identified Per Canvassing Area	Number of Matched Outlets on List Frame	Percentage of Outlets Found on List
1.	1	5.300301	16	15	0.938
2.	1	7.464217	29	23	0.793
3.	2	6.072348	4	3	0.750
4.	2	11.76709	5	5	1.000
5.	3	7.597273	10	10	1.000
6.	3	2.721512	18	17	0.944
7.	4	5.46875	30	29	0.967
8	5	7.996024	43	43	1.000
9.	5	5.997018	14	14	1.000
10	6	23.43583	6	5	0.833
11	6	16.44101	11	11	1.000
12	6	10.05291	16	15	0.938
13	6	36.19048	5	5	1.000
14	6	49.20998	2	2	1.000
15	6	19.5	4	4	1.000
16	6	23.46086	3	3	1.000
Un-weighted					0.944
Weighted*					0.951

*using outlet weights, which are reciprocal of the probability of county selection times conditional probability of selecting the canvass area within the county.

3. Provide a description of the coverage study methods and results.

From July 1 to September 30, 2007, the MT Sampling Frame Coverage Study was implemented to estimate the coverage of the licensure List used as the sampling frame for the SYNAR inspection survey. Exhibit 1 in the question #2 response provides a summary of the study results. The estimated coverage of 95 percent exceeds the desired 90 percent and the 80 minimum coverage for the inspection survey.

As shown in Exhibit 1, the coverage design used six geographic strata, covering a range of population density. A stratified sample of 18 canvas areas were randomly selected from that frame to estimate the coverage rate of the licensure frame. The area frame of canvas areas gives complete coverage of all tobacco outlets in the State, licensed or not. Only 16 areas are listed in the exhibit because no tobacco outlets were found in one of the areas and two of the canvas areas were selected in the same ZIP code area and were combined for the summary. A total of 216 tobacco outlets were identified in the field canvassing for an average of 12 per canvas area.

Both weighted and unweighted coverage rates are presented at the bottom of the Exhibit. The sampling weight for each outlet is based on the canvas-area selection probabilities and the two estimates are calculated as:

$$\text{Unweighted Rate} = \sum_{i=1}^{16} n_{Li} / \sum_{i=1}^{16} n_{Ai};$$

$$\text{Weighted Rate} = \sum_{i=1}^{16} W_i n_{Li} / \sum_{i=1}^{16} W_i n_{Ai};$$

where n_{Li} and n_{Ai} are outlet counts in canvas area i for the list and area frame, respectively and W_i are the sampling weights for area i.

Details